

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

CURTIS L. JONES,

Plaintiff,

v.

KENNETH QUINN, *et al.*,

Defendants.

CASE NO. C07-664-TSZ-JPD

REPORT AND RECOMMENDATION

On May 1, 2007, plaintiff Curtis Jones presented to this Court for filing a civil rights complaint under 42 U.S.C. § 1983 together with an application to proceed with this action *in forma pauperis*.

Plaintiff alleged in his complaint that he had been accused of sexual misconduct at the Monroe Corrections Complex-Special Offenders Unit which did not happen. He asked that this Court correct the Department of Corrections record in this regard. Plaintiff identified as defendants in this action Superintendent Kenneth Quinn, Corrections Officer Becker, Sergeant Haines, and Sergeant Best.

On May 14, 2007, plaintiff's application for leave to proceed *in forma pauperis* was granted. (See Dkt. Nos. 3.) On the same date, this Court issued an Order declining to serve plaintiff's complaint and granting him leave to amend. (Dkt. No. 4.) Plaintiff was advised therein that his complaint was defective because he failed to allege any violation of a federal constitutional right and he failed to allege facts demonstrating how each named defendant personally participated in causing

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1 him harm of constitutional dimension. (Dkt. No. 4 at 2.) Plaintiff was granted thirty days within  
2 which to file an amended complaint curing the specified deficiencies, and was advised that his failure  
3 to timely file an amended complaint would result in dismissal of this action for failure to adequately  
4 allege a cause of action under § 1983. (Dkt. No. 4 at 2.) To date, no amended complaint has been  
5 filed.

6 When a complaint is frivolous, malicious, fails to state a claim on which relief may be granted,  
7 or seeks monetary relief against a defendant who is immune from such relief, the Court may dismiss an  
8 *in forma pauperis* complaint before service of process under 28 U.S.C. § 1915(e)(2)(B). Because  
9 plaintiff's original complaint failed to adequately allege a cause of action under § 1983, and because  
10 plaintiff failed to amend his complaint to correct this deficiency, this Court recommends that plaintiff's  
11 complaint, and this action, be dismissed without prejudice pursuant to 28 U.S.C.  
12 § 1915(e)(2)(B). A proposed order accompanies this Report and Recommendation.

13 DATED this 17th day of October, 2007.

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16 JAMES P. DONOHUE  
United States Magistrate Judge